

REMARKS

Reconsideration of the rejection set forth in the Office Action is respectfully requested.

In the Advisory Action, the Examiner stated that the recitation of “wireless local area network” was not given patentable weight because it appeared in the preamble rather than the body of the claim. Applicants respectfully point out that the body of claim 1 included the phrase “wireless local area network” in four places and, accordingly, this phrase did not only appear in the preamble. However, to avoid confusion in this regard, applicants have amended the claim to refer to the wireless local area network an additional six times. Further, applicants have amended the phrase to recite “first wireless local area network” so that it is clear that both access points are in the same “first” wireless local area network. Additionally, applicants have removed the phrase “wireless local area network” from the preamble so there is no possibility that this phrase could be interpreted as a field of use limitation. In view of these amendments, the Examiner is respectfully requested to afford patentable weight to this term.

In the Advisory Action the Examiner further stated that the fact that the access points are used “simultaneously” was not included in the claims as drafted. Although applicants respectfully disagree with this position, applicants have amended claim 1 to recite “simultaneously maintaining and using, by the wireless client, the first primary active affiliation ... and the second primary active affiliation ... during a period of operation of the wireless client when the wireless client is not engaging in a handoff process between access points...” In view of this amendment, applicants respectfully submit that the claims provide explicit support for applicants arguments that the cited art does not enable simultaneous connections of this nature. The comments set forth in the Response dated April 26, 2010, are hereby incorporated by reference.

The Examiner further commented that Bahl (U.S. Patent Application Publication No. 2003/0054818) discloses that the device can participate in both wireless networks without having to be disconnected from one network in order to communicate over the other network. As support for this the Examiner cited Bahl at paragraph 31, lines 5-8. This portion of Bahl is set forth below:

“By switching back and forth between the two modes, the dual-mode device can participate in both wireless networks without having to be disconnected from one network in order to communicate over the other network.”

As is clear from this statement, Bahl has one device connecting to two networks. Claim 1 has one device simultaneously connecting to two different access points on one network. Bahl does not anticipate claim 1 and likewise does not render claim 1 obvious. In view of these differences, the Examiner is respectfully requested to withdraw the rejection of claim 1 and those claims dependent thereon.

Conclusion

Applicants respectfully submit that the claims pending in this application are in condition for allowance and respectfully request an action to that effect. If the Examiner believes a telephone interview would further prosecution of this application, the Examiner is respectfully requested to contact the undersigned at the number indicated below.

Extension of time

Applicants request a one month extension of time to respond to the office action. Payment of the fee for the extension of time is being submitted herewith. If any additional fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref. 909425-US-NP).

Respectfully Submitted

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Anderson Gorecki & Manaras LLP
P.O. Box 553
Carlisle, MA 01741
Tel: (978) 264-4001
Fax: (978) 264-9119

/John C. Gorecki/
John C. Gorecki, Reg. No. 38,471